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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/231,066

Applicant(s)

Ruutu

Examiner  
Naghmeh Mehrpour

Art Unit  
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Mar 15, 2002

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-8 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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*Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-8**, are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication WO 96/35306.

Regarding **Claims 1, 7, 8**, the international publication teaches a method of determining the position of a mobile communications device within a cellular network (Page 2 lines 30-33), the method comprising the steps of: transmitting data to the mobile communication device from the cellular network, the data identifying to the mobile communication device a **predetermined** list of radio channels corresponding to respective radio transmitters of the cellular network (Page 3 lines 1-7), the **predetermined** list being determined on the basis of the approximate position of the mobile communication device (Page 9 lines 14-23), and causing the mobile communication device to listen on the identified channels, or on other channels excluding the identified channels, and to determine from information transmitted over the listened to channels data values related to the

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relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels (Page 9 lines 9-12), and determining the position of the mobile communication device using the determined data values (Page 9 lines 13-30, Page 11 lines 25-30). Regarding **Claims 2, 6**, the international publication teaches a method wherein the transmitters are provided by respective base transceiver stations and the data transmitted to the mobile device identifying the list of radio channels comprises a set of radio channel numbers known to the mobile device (Page 9, lines 13-30).

Regarding **Claim 3**, the international publication teaches a method wherein the data values are time relationship values to the transmission delay times between the mobile device and the radio transmitters transmitting the listened to channels (Page 9, lines 13-30, Page 11 lines 25-30).

Regarding **Claims 4-5**, the international publication teaches a method wherein the time relationship values are observed time differences (OTD) each being the difference between the transmission delay time between the mobile and one of the radio transmitters transmitting the listened to channels, and the transmission delay time between the mobile device and a radio transmitter of a base transceiver station currently serving the mobile device (Page 10 lines 11-33, Page 11 lines 9-32).

### ***Response to Arguments***

4. Applicant's arguments filed 3/15/02 have been fully considered but they are not persuasive.

In response to the applicant's argument that " *In 96/35306 there is no suggestion or teaching of pre-determined lists*" for position determination.

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The examiner stated that each base station (A) holds information relating to itself and six nearby base stations B, C, D, E, F, G. From the six base stations four of them are being used, the four generally being those providing the strongest signal at the mobile unit M. The base station transmits the data to the mobile unit M on the its BCCH (Broadcast Control Channel). This data includes the radio frequency of each base station's BCCH, and allow mobile unit to periodically sample the signal quality of each BCCH, and allow handovers to take place based on the results of the sampling (Page 9 lines 15-20). The data that includes the radio frequency of each base station's is the predetermined list for position determination.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Olsson** (US Patent 5,564,079) disclose method for locating mobile stations in a digital telephone network

**light et al.** (US Patent 6, 061,337) disclose system and method for CDMA handoff using telephone to determine the need for handoff and to select the destination cell site

**Kallin et al.** (US Patent Number 5,701,585) disclose mobile assisted handoff

6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

Art Unit:

(703) 308--6296, (for formal communications intended for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label


“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

April 16, 2002

  
**EDWARD F. URBAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**